

CHAPTER 5: OFFENSES AGAINST PUBLIC PEACE, SAFETY, MORALS AND PUBLIC POLICY

5.01 ORDINANCE PROHIBITING THE PARKING, STORAGE AND ACCUMULATION OF DEFECTIVE AND UNLICENSED MOTOR VEHICLES

A. PURPOSE: The purpose of this ordinance is to protect and foster the health, safety and well being of persons in the Town for the protection of their property rights and to beautify the landscape and otherwise promote the public interest, including the elimination of attractive nuisances.

B. DEFINITION: As used herein, the term “motor vehicle” shall be construed to include all motor vehicles for which the Wisconsin Statutes requires a license when used upon public roadways within the State.

C. ACCUMULATION UNLAWFUL: It shall be unlawful to park, stand, store or accumulate disassembled or inoperable or junked or wrecked motor vehicles, or to park, store, allow to stand or accumulate more than one (1) unlicensed operable motor vehicle by any owner of land or occupant of any land in the Town, except for the following persons, firms or corporations operating in areas properly zoned:

- (1) Properly licensed and equipped junk yards or motor vehicle salvage dealers.
- (2) Operable motor vehicles displayed for resale by properly licensed used and new car dealers.
- (3) Unlicensed vehicles that are being used as farm equipment and any vehicles that are located in garages or other like structures hidden from public view. A fence shall not be considered a structure under this ordinance.
- (4) Automobile repair garages and service establishments as authorized in the Town’s zoning code. Inoperable vehicles may be kept for repair, but in no event will they be permitted in public view in excess of thirty (30) days.

D. NOTICE: The Town Board, upon discovering a violation of this ordinance, will in writing, notify the owner or occupant or both of the lands upon which such motor vehicle is found, that said motor vehicle must be removed within ten (10) days or the Town may cause such to be removed and the cost of such removal will be charged to the owner or occupant or both of said land, and that failure to remove said motor vehicle may subject him/her to fines for each day said violation continues.

E. REMOVAL BY TOWN:

- (1) If after due notice as set forth herein, the occupant or owner of said real estate shall fail to remove said motor vehicle, the Town may cause such motor vehicle or vehicles to be removed to junk or salvage yards and stored for a period of not less than twenty (20) days.
- (2) Upon the failure of said owner or occupant of said lands to reclaim and pay the costs of handling and storage of said motor vehicle or vehicles within said

twenty (20) days, the operator of said junk or salvage yard may dispose of same.

- (3) If the costs of handling and storage are not paid by the owner or occupant within thirty (30) days or from the disposal of the motor vehicle, the Town Board may take such action as it deems necessary to collect same including, if notice of removal was given to the property owner, placing and entering said amount on the tax roll as a special charge against the property.

F. PENALTY: Any person, firm or corporation, or any officer of any corporation, who shall violate or cause to be violated any provisions of this section, or interfere in any manner with the enforcement of this section, will upon conviction thereof, be penalized as provided in Subsection 11.04 A (1) of this code. Each motor vehicle stored or allowed to remain on property in violation of this section shall constitute a separate offense for each day that said violation occurs after notice.

5.02 Citation Authority

(1) Purpose. The purpose of this section is to authorize specific Town officials to issue citations for violations of this municipal code, including sections with statutory counterparts.

(2) Authority. This section is adopted pursuant to §66.0113, Wis. Stats., and except as otherwise provided herein, its provisions and any future amendments describing and defining procedures with respect to the issuance and resolution of citations for code violations are adopted by reference as if fully set forth herein.

(3) Form.

(a) General citations issued pursuant to this section shall be on the "Wisconsin Uniform Municipal Citation" or a locally printed form which is substantially similar, and which includes all of the information required pursuant to §66.0113(1)(b), Wis. Stats.

(b) For traffic violations, except for parking violations, the uniform traffic citation specified in §345.11, Wis. Stats., shall be used in lieu of the citation form described in the preceding paragraph.

(4) Bond; Cash Deposits. For any non-traffic citation issued pursuant to this section, the required bond/cash deposit shall be the minimum forfeiture amount allowed for the violation, plus applicable statutory costs, fees, surcharges and assessments. Cash deposits are to be made to, and a receipt obtained from, the Sheboygan County Clerk of Court.

(5) Issuance and Service -

(a) Citations may be issued by the:

1. Town Chair.
 2. Town Clerk, as specifically directed by the Town Board on a case by case basis.
 3. Town Constable, but only for matters related to Town roads, parking, noise, littering and dogs.
- (b) Citations may be served by the Town Constable or the Sheboygan County Sheriff.
- (c) For any citation issued to a minor, a copy of the citation shall be mailed or delivered to the child's parent or legal guardian within seven (7) days of issuance.
- (6) Relationship to Other Laws. The authorization granted pursuant to this section and any citation issued hereunder does not preclude nor mandate the Town to enforce any code, ordinance, rule, or regulation in any manner it deems appropriate.

5.03 MOBILE HOMES AND MOBILE HOME PARKS

A. PURPOSE: An ordinance enforcing minimum standards for mobile home parks; establishing requirements for the design, construction, alteration, extension and maintenance of mobile home parks and related utilities and facilities; authorizing the issuance of permits for construction, alteration and extension of mobile home parks; authorizing the licensing of operators of mobile home parks; authorizing the inspection of mobile home parks; fixing penalties for violations, and regulating the parking of mobile homes.

B. DEFINITIONS: As used in this ordinance:

- (1) **"License"** means a written license issued by the Town Clerk-Treasurer allowing a person to operate and maintain a mobile home park under the provisions of this ordinance and regulations issued hereunder.
- (2) **"Licensee"** means any person licensed to operate and maintain a mobile home park under this section.
- (3) **"Mobile Home"** is that which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; and includes any additions, attachments, annexes, foundations, and appurtenances, except that a house trailer is not deemed a mobile home if the assessable value of such additions, attachments, annexes, foundations and appurtenances equals or exceeds 50 percent of the equalized value of the house trailer.
- (4) **"Mobile Home Lot"** means a parcel of land for the placement of a single mobile home and the exclusive use of its occupants.

- (5) **“Mobile Home Park”** means a parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use.
- (6) **“Mobile Home Stand”** means that part of an individual lot which has been reserved for the placement of the mobile home, appurtenant structures or additions.
- (7) **“Permit”** means a written permit issued by the Town Clerk-Treasurer permitting the construction, alteration and extension of a mobile home park under the provisions of this ordinance and regulations issued hereunder.
- (8) **“Person”** means any individual, firm, trust, partnership, public or private association or corporation.
- (9) **“Sewer Connection”** means the connection consisting of all pipes, fittings and appurtenances from the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe of the sewerage system serving the mobile home park.
- (10) **“Sewer Riser Pipe”** means that portion of the sewer lateral which extends vertically to the ground elevation and terminates at each mobile home lot.
- (11) **“Water Connection”** means the connection consisting of all pipes, fittings and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the mobile home.
- (12) **“Water Riser Pipe”** means that portion of the water supply system serving the mobile home park which extends vertically to the ground elevation and terminates at a designated point at each mobile home lot.

C. PARKING OF MOBILE HOMES: It shall be unlawful for any person to park, keep, or maintain a mobile home for purposes of human habitation within the Town except:

- (1) When located within an approved Mobile Home Park licensed under this ordinance.
- (2) When located on private property, and its use is limited as a field office trailer during the period of a construction project, provided it is not used for overnight lodging.
- (3) When located on private property in connection with a bona fide visit with the owner or occupant of said premises provided said stay will not exceed twenty-one (21) days.
- (4) When located on private property as a temporary place of abode if the same is a substitute for a residence that has within a previous ninety-day (90) period been destroyed by fire or other act of God and is being rebuilt provided said use does not exceed one hundred twenty (120) days.

D. LICENSES FOR MOBILE HOME PARKS: It shall be unlawful for any person to operate a Mobile Home Park within the limits of the Town unless he/she holds a valid license issued annually by the Town Board in the name of such person for the specific Mobile Home Park. All applications for licenses shall be made to the Town Clerk-Treasurer, who will issue a license upon compliance by the applicant

with provision of this ordinance and regulations issued hereunder and of other applicable legal requirements.

- (1) **Application.** Application for licenses shall be in writing, signed by the applicant, accompanied by an affidavit of the applicant as to the truth of the application and by the deposit of a fee as set forth in Section 11.05, and shall contain: The name and address of the applicant; the location of the Mobile Home Park showing all mobile home lots, structures, roads, walkways, and other service facilities.
- (2) **Transfer of License.** Every person holding a license shall give notice, in writing, to the health authority within twenty-four (24) hours after having sold, transferred, given away, or otherwise disposed of interest in or control of any Mobile Home Park. Such notice shall include the name and address of the person succeeding to the ownership or control of such Mobile Home Park. Upon application, in writing, for transfer of the license and deposit of a fee as set forth in Section 11.05, the license shall be transferred if the Mobile Home Park is in compliance with all applicable provisions of this ordinance and regulations issued hereunder.
- (3) **Suspension of License.** Whenever, upon inspection of any Mobile Home Park, it is determined that conditions or practices exist which are in violation of any provision of this ordinance or regulations issued hereunder, the Town Board will give notice, in writing, to the person to whom the license was issued that unless such conditions or practices are corrected within a reasonable period of time specified in the notice, the license will be suspended. At the end of such period, there will be a reinspection of such Mobile Home Park and, if such conditions or practices have not been corrected, the Town Board will suspend the license and give notice in writing of such suspension to the person to whom the license is issued. Upon receipt of notice of such suspension, such person will cease operation of such Mobile Home Park, and all mobile homes will be removed from the premises within thirty (30) days.
- (4) **Request for Hearing.** Any person whose application for a license under this ordinance has been denied, or whose license has been suspended, or suspension is threatened, may within ten (10) days, in writing, request and will be granted a hearing on the matter before the health authority under the procedure provided herein.

E. PARK ENVIRONMENTAL REQUIREMENTS: All Mobile Home Parks shall meet the Department of Health Services requirements for mobile homes as set forth in the Wisconsin Administrative Code, and shall include any subsequent amendments thereto. When the provisions of the herein ordinance are more restrictive, the more restrictive provisions shall apply.

- (1) **General Requirements.** The park shall be located on a well-drained site consisting of at least twenty (20) acres. Condition of soil, ground water level, and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors or other adverse influences, and no portion subject to unpredictable

and/or sudden flooding, subsidence or erosion shall be used for any purpose which would expose persons or property to hazards.

- (2) **Soil and Ground Cover Requirements.** Exposed ground surfaces in all parts of every Mobile Home Park shall be paved, or covered with stone screenings, or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.
- (3) **Site Drainage.** The site shall be properly graded to ensure rapid drainage and freedom from stagnant pools of water.
- (4) **Nonresident Uses Prohibited.** No part of any park shall be used for nonresidential purposes, except such uses that are required for the direct servicing and well being of park residents and for the management and maintenance of the park. Nothing contained in this section shall be deemed as prohibiting the sale of a mobile home located on a mobile home stand and connected to the pertinent utilities.
- (5) **Required Separation Between Mobile Homes.** See requirements set forth in Chapter 7, Section 7.07. An accessory structure which has a horizontal area exceeding twenty-five (25) square feet, is attached to a mobile home or located within ten (10) feet of its window, and has an opaque top or roof that is higher than the nearest window shall, for purposes of all separation requirements, be considered to be part of the mobile home.
- (6) **Required Recreation Areas.** Each Mobile Home Park shall devote at least twenty-five (25%) percent of its total area to open space provided for recreation uses and enjoyment of the occupants of the park. Said areas shall be easily accessible to all park residents. Recreation areas shall be so located as to be free of traffic hazards and should, where the topography permits, be centrally located.
- (7) **Screening.** The entire mobile home park area shall be well maintained and the property screened from all public roadways and along the property line separating the park from adjacent uses. The mobile home park shall be provided with an approved, screened refuse and garbage receptacle.
- (8) **Park Street System.** All Mobile Home Parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot. Alignment and gradient shall be properly adapted to the topography.
 - (a) **Access Street.** Access to Mobile Home Parks shall be designed to minimize congestion and hazards at the entrance or exit and allow free movement of traffic on adjacent streets. The entrance road connecting the park internal streets with a public street or road shall have a minimum road pavement width of thirty-four (34) feet where parking is permitted on both sides, or a minimum road pavement width of twenty-seven (27) feet where parking is limited to one side. Where the primary entrance road is more than one hundred (100) feet long and does not provide access to abutting mobile home lots within such distance, the minimum road pavement width may be twenty-four (24) feet, providing parking is prohibited on both sides.

- (b) **Internal Streets.** Surfaced roadways shall be of adequate width to accommodate anticipated traffic, and in any case shall meet the following minimum requirements:
 - (i) All streets, except minor streets, twenty-four (24) feet.
 - (ii) Minor streets, no parking, eighteen (18) feet (acceptable only if less than 500 feet long and serving less than 25 mobile homes or of any length if one-way and providing access to abutting mobile home lots on one side only).
 - (iii) Dead end streets shall be limited in length to 1,000 feet and shall be provided at the closed end with a turn-around having an outside surfaced roadway diameter of at least ninety (90) feet.
- (c) **Required Illumination.** Exterior lighting fixtures maintained by the Park shall be so spaced and equipped with lights placed at such mounting heights as will provide the adequate levels of illumination for the safe movement of pedestrians and vehicles at night. Fixtures shall be shaded whenever necessary to avoid casting direct light upon any public street or park.
- (d) **Street Construction and Design Standards.** All streets shall be provided with a smooth, hard and dense surface which shall be durable and well drained under normal use and weather conditions. Pavement edges shall be protected to prevent raveling of the wearing surface and shifting of the pavement base. Street surfaces shall be maintained free of cracks, holes and other hazards.
- (9) **Driveways and Off-Street Parking.** All mobile homes shall abut upon a driveway of not less than twenty (20) feet, which shall have unobstructed access to a private street, and to accommodate off-street parking for the use of mobile home occupants and guests. Walks. A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of three (3) feet. All mobile home stands shall be connected to common walks, to paved streets, or to paved driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of two (2) feet.
- (10) **Mobile Home Stands and Tie-Downs.** Each mobile home shall be set on an adequately designed foundation consisting of a reinforced concrete slab having minimum dimensions equal to the outside lines of the mobile home. The mobile home shall have well-anchored tie-downs capable of withstanding a minimum tensile strength of 2,800 pounds, with a minimum of four (4) tie-downs provided.
- (11) **Yard Setbacks.** Front setback shall be sixty (60) feet from the centerline of the road. Minimum rear and side yards shall be twenty-five (25) feet each.
- (12) **Separation from Community Buildings and Park's Exterior Property Lines.** No mobile home shall be located closer than fifty (50) feet from any community building, including any washroom, toilet or laundry facility within the park, and from any exterior property lines of the park.

F. ELECTRICAL AND TELEPHONE DISTRIBUTION SYSTEMS: Every park developer shall cause electric power and telephone facilities to be installed in such a manner as to make adequate service available to each lot or site in the park. No such service lines shall be allowed above ground unless due to exceptional topography or other physical barriers the Town Board deems it impractical to so construct same. Plans indicating the proposed location of all utility distribution lines required to service the park shall be approved by the respective utility agencies and the Town Board.

Each mobile home lot shall be provided with an approved disconnecting device and over current protective equipment. The minimum service per outlet shall be 120/240 volts AC, 100 amperes, and shall be installed and maintained in accordance with the applicable codes and regulations governing such systems.

G. WATER SUPPLY: An accessible, adequate, safe, and potable community supply of water shall be provided directly to each mobile home site.

H. SEWAGE DISPOSAL: Community sewer collection facilities shall be provided directly to each mobile home site.

I. REFUSE HANDLING: The storage, collection and disposal of refuse in the Mobile Home Park shall be properly controlled as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution.

J. HEALTH: A mobile home shall not be occupied for dwelling purposes unless it is properly placed on a mobile home stand and connected to water, sewerage and electrical utilities. The growth of brush, weeds, and grass shall be controlled to prevent harborage of ticks, chiggers and other noxious insects. Park shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

- (1) **Insect and Rodent Control.** Grounds, buildings structures shall be maintained free of insects and rodents, and shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.
- (2) **Storage.** No lumber, pipe, building materials, or other materials not in regular use shall be stored upon the premises in open view and the park shall be kept free of litter.

K. NOTICE AND HEARINGS: Whenever there are reasonable grounds to believe that there has been a violation of any provision of this ordinance, or regulations issued hereunder, the Town Board, Town Clerk-Treasurer, or Health Officer will give notice of such alleged violation to the person to whom the permit or license was issued, as hereinafter provided. Such notice will (a) be in writing; (b) include a statement of the reasons for its issuance; (c) allow a reasonable time for the performance of any act it requires; (d) be served upon the owner or his agent as the

case may require by certified mail to his/her last known address, and contain an outline of remedial action which, if take, will effect compliance with the provisions of this ordinance and regulations issued hereunder.

(1) **Hearing.** Any person affected by any notice which has been issued in connection with the enforcement of any provision of this ordinance, or regulation issued hereunder, may request and will be granted a hearing on the matter before the Town Board.

(a) **Application.** Such person will file in the office of the Town Clerk-Treasurer a written petition requesting such hearing and setting forth a brief statement of the grounds therefore within ten (10) days after the day the notice was served. The filing of the request for a hearing will operate as a stay of the notice and of any suspension.

(b) **Time and Place.** Upon receipt of such petition, the health authority will set a time and place for such hearing and will give the petitioner written notice thereof.

(c) **Presentation by Petitioner.** At such hearing, the petitioner will be given an opportunity to be heard and be permitted to show why such notice should be modified or withdrawn.

(2) **Findings and Order.** After such hearing, the Town Board will make findings as to compliance with the provisions of this ordinance and regulations issued hereunder, and will issue an order in writing sustaining, modifying or withdrawing the notice. Upon failure to comply with any order sustaining or modifying a notice, the license of the Mobile Home Park affected by the order will be revoked.

L. RESPONSIBILITIES OF PARK MANAGEMENT: The person to whom a license for a Mobile Home Park is issued shall operate the park in compliance with this ordinance and regulations issued hereunder and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in clean and sanitary condition.

(1) **Notice to Occupants.** The park management shall notify park occupants of all applicable provisions of this ordinance and inform them of their duties and responsibilities under this ordinance and regulations issued hereunder.

(2) **Supervision.** The park management shall supervise the placement of each mobile home on its mobile home stand which includes securing its stability and installing all utility connections.

(3) **Registration.** The park management shall maintain a register containing the names of all park occupants. Such register shall be available to any authorized person inspecting the park.

(4) **Health Notices.** The park management shall notify the health officers immediately of any suspected communicable or contagious disease within the park.

M. MONTHLY PARKING PERMIT FEES: There is hereby imposed on each owner of a non-exempt, occupied mobile home in the Town a monthly parking permit fee determined in accordance with Section 66.058(3), Wis. Stats., which is hereby

adopted by reference and made part of this ordinance as if fully set forth herein. It shall be the full and complete responsibility of the licensee to collect the proper amount from each mobile homeowner. Licensees and owners of mobile homes permitted to be located on land outside a mobile home park shall pay to the Town Clerk-Treasurer such parking permit fees on or before the 10th day of the month following the month for which such fees are due in accordance with the terms of this ordinance and such regulations as the Town Clerk-Treasurer may reasonably promulgate.

- (1) Information to Assessor.** Licensees of mobile home parks and owners of land on which are parked any occupied, non-exempt mobile homes shall furnish information to the Town Clerk-Treasurer and Town Assessor of such homes added to their park or land within five (5) days after arrival of such home on forms furnished by the Town Clerk-Treasurer in accordance with Section 66.058(3) (c) and (e), Wis. Stats.
- (2) Advance Deposits.** Owners of non-exempt, occupied mobile homes, upon receipt of notice from the Town Clerk-Treasurer of their liability for the monthly parking permit fee, shall remit to the Town Clerk-Treasurer a cash deposit of twenty-five (\$25.00) dollars to guarantee payment of such fees when due to the Town Clerk-Treasurer. It shall be the full and complete responsibility of the licensee of a Mobile Home Park to collect such cash deposits from each occupied, non-exempt mobile home therein and remit such deposits to the Town Clerk-Treasurer. Upon receipt of a notice from the owner or licensee that the non-exempt, occupied mobile home has been or is about to be removed from the Town, the Town Clerk-Treasurer will apply said cash deposit to reduce any monthly parking permit fees for which said owner is liable and refund the balance, if any, to said owner.

N. PENALTIES: In addition to the revocation provisions herein, the penalty for violating any provision of this chapter shall be as provided in Subsection 11.04 A (1) of this code. A separate offense shall be deemed committed on each day on which a violation of any provision of this chapter occurs or continues. The forfeiture for violation of Subsection 5.03 M (2) shall not exceed \$25.00.

O. REGULATION COMPLIANCE WITH OTHER AGENCIES: In all respects, mobile home parks shall comply with all the applicable regulations of all departments, commissions, and agencies of Sheboygan County and the State of Wisconsin.

5.04 PUBLIC NUISANCE

A. PUBLIC NUISANCES PROHIBITED: No person, persons, firm or corporation shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Town.

B. DEFINITIONS:

- (1) **Public Nuisance.** A public nuisance is a thing, occupation, condition or use of property which shall continue for such length of time as to:
- (a) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
 - (b) In any way render the public insecure in life or in the use of property;
 - (c) Greatly offend the public morals of decency;
 - (d) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way.
- (2) **Public Nuisances Affecting Health.** The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but shall not be construed, to exclude other health nuisances, coming within the definition of Subsection B (1) of this section:
- (a) All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
 - (b) Carcasses of animals, birds or fowl not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
 - (c) Accumulation of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquito's, disease-carrying insects, rats or other vermin may breed.
 - (d) All stagnant water in which mosquitoes, flies or other insects can multiply.
 - (e) Privy vaults and garbage cans which are not fly tight.
 - (f) All noxious weeds and other rank growth of vegetation.
 - (g) All animals running at large.
 - (h) The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the Town limits or within one mile there from in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property.
 - (i) The pollution of any public well or cistern, stream, lake, canal, or body of water by sewage, creamery or industrial wastes or other substances.
 - (j) Any use of property, substances, or things within the Town, excluding animal manure, emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, effluvia or stench extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Town.
 - (k) All abandoned wells not securely covered or secured from public use.
- (3) **Public Nuisances Offending Morals and Decency.** The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of Subsection B (1) of this section:

- (a) All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purposes of prostitution, promiscuous sexual intercourse or gambling.
 - (b) All gambling devices and slot machines.
 - (c) All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for by the ordinances of the Town.
 - (d) Any place or premises within the Town where Town ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
 - (e) Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the State of Wisconsin or the ordinances of the Town.
- (4) Public Nuisances Affecting Peace and Safety.** The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the provisions of Subsection B (1) of this section:
- (a) All ice not removed from public sidewalks and all snow not removed from public sidewalks within 12 hours after it has ceased to fall thereon.
 - (b) All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated as to endanger the public safety.
 - (c) All buildings erected, repaired or altered within the fire limits of the Town in violation of the provisions of the ordinances of the Town, relating to materials and manner of construction of buildings and structures within said district.
 - (d) All unauthorized signs, signals, markings or devices which purport to be or may be mistaken as official traffic control devices placed or maintained upon or in view of any public highway or railway crossing.
 - (e) All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
 - (f) All limbs of trees which project over a public sidewalk, less than 8 feet above the surface thereof or less than 10 feet above the surface of a public street.
 - (g) All use or display of fireworks except as provided by the laws of the State of Wisconsin and ordinances of the Town.
 - (h) All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
 - (i) All wires over streets, alleys or public grounds which are strung less than 15 feet above the surface of the street or ground.
 - (j) All loud, discordant and unnecessary noises or vibrations of any kind.

- (k) The keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or making of other noises shall greatly annoy or disturb a neighborhood or any considerable number of persons within the Town.
- (l) All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the Town or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable length of time after the purpose thereof has been accomplished.
- (m) All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk.
- (n) All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.
- (o) Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.
- (p) Repeated or continuous violations of the ordinances of the Town or laws of the State of Wisconsin relating to the storage of flammable liquids.

C. ABATEMENT OF PUBLIC NUISANCES:

(1) Inspection of Premises. Whenever complaint is made to the Town Board that a public nuisance exists within the Town, the complainant will promptly notify the Town Chair, health officer or building inspector who will inspect or cause to be inspected the premises and will make a written report of his/her findings to the Town Board. Whenever practicable, the inspecting officer will photograph the premises and will file the photograph with the Town Clerk-Treasurer.

(2) Summary Abatement.

- (a) **Notice to Owner.** If the inspecting officer determines that a public nuisance exists on private property and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Town Chair will direct that notice be served on the owner or, if the owner cannot be found, on the occupant or person causing, permitting or maintaining such nuisance and to post a copy of said notice on the premises. Such notice shall direct the owner, occupant or person causing, permitting or maintaining such nuisance to abate or remove such nuisance within 24 hours and shall state that unless such nuisance is so abated, the Town will cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the same, as the case may be.
- (b) **Abatement by Town.** If the nuisance is not abated within the time provided, or if the owner, occupant or person causing the nuisance cannot be found, the health officer, in case of health nuisances, the

constable, sheriff's department or Town Chair, in other cases, will cause the abatement or removal of such public nuisance.

(3) Abatement by Court Action. If the inspecting officer determines that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he/she will file a written report of his findings with the Town Chair who will cause an action to abate such nuisance to be commenced in the name of the Town in the circuit court of Sheboygan County in accordance with the provisions of Chapter 280 of the Wisconsin Statutes of 1977.

(4) Other Methods Not Excluded. Nothing in this ordinance shall be construed as prohibiting the abatement of public nuisances by the Town or its officials in accordance with the laws of the State of Wisconsin.

D. COST OF ABATEMENT: In addition to any other penalty imposed by this ordinance for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Town will be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost will be assessed against the real estate or other special taxes.

E. PENALTIES: The penalty for violation of this section shall be a penalty as provided in Subsection 11.04 A (1) of this code. A separate offense shall be deemed committed on each day on which a violation of any provision of this section occurs or continues.

5.05 GRASS AND RUBBISH BURNING

A. BURNING PERMITTED: No person shall burn any wood, grass, leaves, rubbish or other combustible material upon the streets of the Town at any time, nor shall any person burn any wood, grass, leaves, rubbish or other combustible material upon any lot or lands located in the Town, except between the hours of 9:00 a.m. and 9:00 p.m. of each day, but at no time shall a fire be built within twenty-five (25) feet of any building or pile of lumber nor shall the smoke or heat aided by such combustion be an annoyance or discomfort to the neighborhood or travelling public.

B. PERMITS REQUIRED: Any person, persons, firm or corporation may apply to the Fire Chief for a permit for authority to burn at times other than specified in this ordinance, and that said permit shall specify the conditions and restrictions under which burning shall be conducted.

C. FIRES MUST BE ATTENDED: Any such fire in the Town shall be attended at all times until extinguished by a competent adult.

D. PENALTY: The penalty for violation of this section shall be a penalty as provided in Subsection 11.04 A (1) of this code.

5.06 PARKING ON TOWN ROADS

A. DEFINITION: A “town road” shall mean any road, street or alley located in the Town over which the Town Board has care and supervision under Wisconsin Statutes.

B. PARKING PROHIBITED: There shall be no parking of motor vehicles on paved or travelled portions of any Town road.

C. PENALTY: Any person who shall violate or cause to be violated any provision of this section shall upon conviction thereof be penalized as provided in Subsection 11.04 A (1) of this code.

5.07 TRAFFIC ORDINANCE

A. STATE TRAFFIC LAWS ADOPTED: Except as otherwise specifically provided in this code, the statutory provision in Chapters 340 to 348, Wis. Stats., describing and defining regulations with respect to vehicles and traffic, exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment, are adopted and, by reference, made a part of this code as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this code. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this code in order to secure uniform statewide regulation of traffic on the highways, streets and alleys of the State.

B. PENALTIES: The penalty for violation of this section shall be a penalty as provided in Subsection 11.04 A (2) of this code.

5.08 REGULATING THE PARKING AND LOCATION OF HOUSE TRAILERS, LICENSING AND REGULATING TRAILER CAMPS, PROVIDING FOR THE TAXATION OF TRAILERS AND PROVIDING A PENALTY

A. DEFINITIONS: Whenever used in this ordinance, unless a different meaning appears from the context:

- (1) **“Mobile Home”** is that which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; and includes any additions, attachments, annexes, foundations and appurtenances, except that a house trailer is not deemed a mobile home if the assessable value of such additions, attachments, annexes,

foundations and appurtenances equals or exceeds 50 percent of the assessable value of the house trailer.

- (2) **“Unit”** means a trailer unit.
- (3) **“Nondependent Unit”** means a trailer that has bath or shower and toilet facilities.
- (4) **“Dependent Unit”** means a trailer which does not have bathroom or shower and toilet facilities.
- (5) **“Trailer Camp”** means any park, court, camp, site, plot, parcel or tract of land designed, maintained, intended or used for the purpose of supplying a location or accommodations for two or more trailers and shall include all buildings used or intended for use as part of the equipment thereof whether or not a charge is made for the use of the trailer camp and its facilities. “Trailer Camp” shall not include automobile or trailer sales lots on which unoccupied trailers are parked for purposes of inspection and sale.
- (6) **“Space”** means a plot of ground in a trailer camp of not less than 1500 square feet of space designed for location for only one automobile and trailer or one trailer.
- (7) **“Person”** shall be construed to include an individual, partnership, firm, company, corporation, whether tenant, owner, lessee, licensee, or their agent, heir, or assignee.

B. LOCATION OUTSIDE CAMPS:

- (1) It shall be unlawful, except in a licensed trailer camp, as provided in this ordinance, for any person to park any trailer on any street, alley, highway, or Town road, or other public place, or on any tract of land within the Town.
- (2) Emergency or temporary stopping or parking is permitted on any street, alley, highway, or Town road for not longer than three hours subject to any other and further prohibitions, regulations or limitations imposed by the traffic and parking regulations or ordinances for that street, alley, highway or Town road.
- (3) No person shall permit to be parked or occupied any trailer on any premises which is situated outside a licensed trailer camp. The parking of only one unoccupied trailer in an accessory private garage building or in a rear yard is permitted providing no living quarters are maintained or any business practiced in said trailer while such trailer is so parked or stored.

C. PERMANENT OCCUPANCY:

- (1) Trailers shall not be used as a permanent place of abode or as a permanent dwelling, or for indefinite periods of time except as provided in Subsection 5.03 C (3) and (4).
- (2) Any action toward the removal of wheels except for temporary purposes or repair, or other action to attach the trailer to the ground by means of posts, piers or foundation shall subject the trailer to the requirements of the building code as well as this trailer ordinance.

D. LICENSE FOR TRAILER CAMP: APPLICATION AND ISSUANCE:

- (1) It shall be unlawful for any person to establish, operate or maintain or permit to be established, operated or maintained upon any property owned, leased, or controlled by him/her, a trailer camp within the limits of the Town, without first having obtained a license for each such camp from the Town Board pursuant to this ordinance. Such license will expire one year from the date of issuance, but may be renewed under the provisions of this ordinance for additional periods of one year.
- (2) The application for such license or the renewal thereof shall be filed with the Town Clerk-Treasurer and shall be accompanied by the fees set forth in Section 11.05, and a surety bond in the sum of five thousand (\$5,000.00) dollars. This bond shall guarantee the collection by the licensee of the monthly parking permit fee provided for in Section 11.05 and the payment of such fees to the Town Clerk-Treasurer, the payment by the licensee of any fine or forfeiture including legal costs imposed upon or levied against said licensee for a violation of the ordinances pursuant to which said license is granted, and shall also be for the use and benefit and may be prosecuted and recovery thereon by any person who may be injured or damaged by reason of the licensee violating the provisions of this ordinance-Each transfer of a license shall be accompanied by the fees set forth in Section 11.05.
- (3) The application for a license or a renewal thereof shall be made on forms furnished by the Town Clerk-Treasurer and shall include the name and address of the owner in fee of the tract (if the fee is vested in some person other than the applicant, a duly verified statement by that person, that the applicant is authorized by him to construct or maintain the trailer camp and to apply for the license), and such a legal description of the premises, upon which the trailer camp is to be or is located as will readily identify and definitely locate the premises. The application shall be accompanied by two copies of the camp plan showing the following, either existing or as proposed:
 - (a) The extent and area used for camp purposes.
 - (b) Roadways and driveways.
 - (c) Location of units.
 - (d) Location and number of sanitary conveniences, including toilets, washrooms, laundries and utility rooms to be used by occupants of units.
 - (e) Method and plan of sewage disposal.
 - (f) Method and plan of garbage removal.
 - (g) Plan for water supply.
 - (h) Plan for lighting of units and rubbish disposal.

If the existing or proposed camp is designed to serve nondependent trailer units, such plans shall clearly set forth the location of all sewer and water pipes and connections.

E. INSPECTION AND ENFORCEMENT: No trailer camp license (or permit for location outside of a licensed trailer camp) will be issued until the Town Clerk-

Treasurer has notified the Town Board and the Town Board has inspected each application and the premises on which trailers are to be located to insure compliance with the regulations, ordinances and laws applicable thereto. No license will be renewed without a reinspection of the premises. For the purposes of making inspections and securing enforcement the Town Board or its authorized agents will have the right and are hereby empowered to enter on any premises on which a trailer is located, or about to be located, and to inspect the same and all accommodations connected therewith at any reasonable time.

F. LOCATION OF TRAILER CAMPS:

- (1) No trailer camp shall be located in an area where its camp plan provides for the location of trailers or other service buildings within 1500 feet of the residential or commercial buildings located on adjoining property not owned by the trailer camp license holder unless the written consent thereto shall have first been obtained from said adjoining property owner.
- (2) No occupied trailer within the limits of the Town shall be located between the recognized set-back line for the zoning district in which such trailer is located and the street or highway, and not less than ten feet from any building or other trailer, or from the boundary line of the premises on which located.

G. CAMP PLAN:

- (1) Every trailer or trailer camp shall be located on a well-drained area, and the premises shall be properly graded to insure rapid drainage and freedom of stagnant pools of water, as well as, the accumulation of deposits of filth. Trailer spaces shall be clearly defined and shall consist of a minimum of 1500 square feet and a width of not less than 20 feet. The camp shall be so arranged that all spaces shall face or abut on a driveway of not less than 20 feet in width, giving easy access from all units to a public street. Such driveway shall be graveled, or paved and maintained in good condition, having natural drainage, be well lighted at night and shall have no obstructions, and such driveway shall not be obstructed at any time.
- (2) The camp shall be so laid out that no dependent unit shall be located farther than 200 feet from the toilets and service buildings provided for herein, and walkways to such buildings shall be graveled or paved and well lighted at night.
- (3) Every trailer space shall be furnished with an electric service outlet in accordance with the provisions of Wisconsin Administrative Code SPS 316.
- (4) No trailer ~~unit~~ shall be parked in a camp outside of a designated space.

H. WATER SUPPLY:

- (1) An adequate supply of potable water, furnished through a pipe distribution system connected directly with the public water main, with supply faucets located not more than 200 feet from any dependent trailer shall be furnished for drinking and domestic purposes in all camps.
- (2) Individual water service connections provided for direct use of an independent unit shall be so constructed that they will not be damaged by the parking of

such units. Such system shall be adequate to provide a minimum static pressure of 20 pounds per square inch and capable of furnishing a minimum of 125 gallons per day per space.

- (3) No common drinking vessels shall be permitted, nor shall any drinking water faucets be placed in any toilet room.
- (4) Every trailer camp serving dependent units shall provide an adequate supply of hot water at all reasonable hours for bathing, washing, and laundry facilities.

I. SERVICE BUILDINGS AND ACCOMMODATIONS:

- (1) Every trailer camp designed to serve dependent units shall have erected thereon suitable buildings for housing toilets, lavatories, showers, slop sinks, and laundry facilities as required by this ordinance, such buildings to be known as service buildings. Service buildings shall be located not more than 200 feet from any dependent unit space, nor closer than 15 feet from any trailer space. Such buildings shall be of permanent construction and adequately lighted, screened and ventilated.
- (2) There shall be provided separate toilet rooms for each sex. Water flush toilets will be required. Toilets shall be provided for each sex in the ratio of one toilet for each eight dependent units or fraction thereof, and shall have separate compartments. Every male toilet room shall also contain one urinal for each sixteen dependent units, but in no case shall any male toilet be without one urinal. Toilet rooms shall contain lavatories with running water in the ratio of one lavatory to every two or less water closets.
- (3) Separate bathing facilities for each sex shall be provided with one shower enclosed in a compartment at least four feet square, for each eight dependent units or fraction thereof. Each shower compartment shall be supplemented by an individual dressing compartment of at least twelve feet square.
- (4) Laundry facilities shall be provided at the ratio of one double tray unit and one conventional type washing machine, or one automatic washing machine, with electric outlet, for each 8 dependent units or fraction thereof. Sufficient drying facilities shall be available.
- (5) Slop sinks for disposal of liquid wastes originating at the units shall be provided in a separate room of the service building in the ratio of one slop sink for each 16 dependent units or fraction thereof.
- (6) The above accommodations shall be based upon the total camp capacity according to the accepted plans.
- (7) Floors - for toilets, showers and laundry shall be of concrete, tile or similar material impervious to water and easily cleaned and pitch to a floor drain.

J. WASTE AND GARBAGE DISPOSAL:

- (1) All liquid wastes from showers, toilets, laundries, faucets, lavatories, etc., shall be discharged into a sewer system in accordance with Wisconsin Administrative Code SPS 382.
- (2) Every space designed to serve a nondependent unit shall be provided with sewer connections which shall comply with Wisconsin Administrative Code

SPS 382. The sewer connection shall be provided with suitable fittings so that watertight connections can be made. Such connections shall be so constructed in order to insure closure when not connected and trapped in such a manner as to be maintained in an odor-free condition.

- (3) All sanitary facilities in any unit which are not connected with a public sewer system by approved pipe connections shall be sealed and their use is hereby declared unlawful.
- (4) Each faucet shall be equipped with facilities for drainage of waste and excess water.
- (5) Every trailer unit shall be provided with a substantial fly-tight, water-tight metal garbage depository from which contents shall be removed and disposed of in a sanitary manner by the camp custodian at least twice weekly between May 1 and October 15, and otherwise weekly.

K. LIMITATIONS ON LENGTH OF STAY AND NUMBER OF OCCUPANTS:

- (1) It shall be unlawful for any person to occupy any trailer within the Town for permanent occupancy, except the camp manager.
- (2) The Town Board may, in its discretion, and by a uniform rule, limit the number of occupants in any trailer occupying a space in a licensed camp, for reasons of health and public welfare.

L. MANAGEMENT

- (1) In every trailer camp there shall be located the office of the attendant or person in charge of said camp. A copy of the camp license and of this ordinance shall be posted therein and the camp register shall at all times be kept in said office.
- (2) It is hereby made the duty of the attendant or person in charge, together with the licensee, to:
 - (a) Keep a register of all guests, to be open at all times to inspection by state and federal officers and by the Town Board which shall show for all guests:
 - (i) Names and addresses
 - (ii) Number of children of school age
 - (iii) State of legal residence
 - (iv) Dates of entrance and departure
 - (v) License number of all trailers and towing or other vehicles
 - (vi) State issuing such license
 - (vii) Purpose of stay in camp
 - (viii) Place of last location and length of stay
 - (ix) Place of employment of each occupant.
 - (b) Maintain the camp in a clean, orderly and sanitary condition at all times.
 - (c) Insure that the provisions of this ordinance are complied with and enforced and report promptly to the proper authorities any violations of law which may come to their attention.

- (d) Report to the Town Board all cases of persons or animals affected or suspected of being affected with any communicable disease.
- (e) Maintain in convenient places, approved by the Board, UL hand fire extinguishers in the ratio of one to each eight units.
- (f) Collect the monthly parking permit fee as provided in Section 11.05. A book shall be kept current showing the names of the persons paying said service charges and the amount paid, which monies are the property of the Town.
- (g) Prohibit the lighting of open fires on the premises.
- (h) Post copies of this ordinance where they can easily be seen by camp personnel and visitors.

M. APPLICABILITY OF PLUMBING, ELECTRICAL AND BUILDING ORDINANCES AND CODES:

- (1) All plumbing, electrical, building and other work done on or at any camp licensed under this ordinance shall be in accordance with the ordinances of the Town, and the requirements of the Safety and Professional Services (SPS) codes and the regulations of the Wisconsin State Department of Health Services (DHS). Licenses and permits granted under this ordinance grant no right to erect or repair any structure, to do any plumbing work or electrical work.

N. MONTHLY PARKING FEE:

- (1) There is hereby imposed on each owner or operator of a trailer camp licensed herein a monthly parking permit fee of such amount as set forth in Section 11.05 on each occupied non-exempt trailer which shall have been parked in such camp at any time during the month. It shall be the full and complete responsibility of the licensee to collect the proper amount from owners of each trailer and to pay the Town Clerk-Treasurer such monthly parking permit fees on or before the tenth of the month following the month for which such fees are due, in accordance with the terms of this ordinance. In the event of his failure so to do, the licensee shall be personally liable for the amounts due.

O. NON-CONFORMING TRAILERS: All trailers not now in conformance with this ordinance shall be permitted to remain in their present location until the property upon which the same is located, or the trailer itself, is sold or otherwise conveyed. Non-conforming trailers which are destroyed by fire or other acts of God may be replaced or rebuilt, so long as said replacement reproduces a trailer of similar or better value. All trailers permitted under this non-conforming paragraph shall be subject to the monthly parking fee and its payment requirements and shall otherwise be required to fully conform with all the applicable requirements of this ordinance.

P. REVOCATIONS AND SUSPENSION: The Town Board is hereby authorized to revoke any license or permit issued pursuant to the terms of this ordinance in accordance with the Wisconsin Statutes.

Q. PENALTIES FOR VIOLATION OF THIS ORDINANCE: The penalty for violation of this section shall be a penalty as provided for in Subsection 11.04 A (1).

R. REGULATION COMPLIANCE WITH OTHER AGENCIES: In all respects, trailer camps shall comply with all the applicable regulations of all departments, commissions, and agencies of Sheboygan County and the State of Wisconsin.

5.09 REGULATION OF FIREARMS

A. PURPOSE: The purpose of this ordinance is to protect and foster the health, safety and well being of persons in the Town for the protection of property rights and to protect individuals from injury.

B. PROHIBITION AGAINST DISCHARGE: No person within the Town, except as allowed in this ordinance, shall:

- (1) Discharge any firearms, such as pistols, revolvers, shotguns, rifles and air rifles, or any other firearm.
- (2) Shall carry any firearms in an unbroken or uncased condition.

C. EXCEPTION: Nothing in this ordinance shall be construed to prohibit the following:

- (1) A resident of the Town to discharge a weapon on his or her own property or to permit another to discharge a firearm on his or her own property;
- (2) The discharge of firearms in areas owned by the Sheboygan Rifle & Pistol Club located in Section 27, containing approximately 5.3 acres of land, or the discharge of firearms in areas owned by the Sheboygan County Conservation Association located in Section 4, or the discharge of firearms in the area of the Bird Hunting Preserve located in Section 28, containing approximately 370 acres of land;
- (3) The hunting of wild game during the hunting season prescribed by the Department of Natural Resources providing that such hunting will be permitted only on lands where residents and/or owners have given their written permission to such parties.

D. PENALTIES FOR VIOLATION OF THIS ORDINANCE: The penalty for violation of this section will be a penalty as provided for in Subsection 11.04 A (1).

5.10 COLLECTION OF DELINQUENT PERSONAL PROPERTY TAXES

A. PURPOSE. The purpose of this ordinance is to establish policies relating to the collection, and penalties for nonpayment of delinquent personal property taxes.

B. STATUTES INCORPORATED. The applicable provisions of §. 74, Wisconsin Statutes, and any future revisions of additions thereto, are adopted by reference in this section as if fully set forth herein.

C. INTEREST, PENALTIES AND OTHER CHARGES. Pursuant to §. 74.47(1), Wisconsin Statutes, personal property taxes which remain unpaid as of January 31 of the year in which they are due shall accrue interest of one percent (1%) per month or fraction thereof, until the balance due is paid in full. In addition, pursuant to §. 74.47(2), Wisconsin Statutes, and Sheboygan County Ordinance Section 91.01, a penalty of one-half of one percent (0.5%) per month or fraction thereof shall be added to the amount due. Interest and penalties may be waived if payment of delinquent taxes is received within 30 days of the first notice of delinquency from the Town.

D. AUTHORIZATION. The Town Clerk-Treasurer is hereby authorized to charge and collect the interest and penalties provided for by this ordinance and Sheboygan County Ordinances.

E. LICENSES OR PERMITS WITHHELD. A list of all delinquent tax payers shall be maintained by the Town Clerk-Treasurer to compare against any applications for licenses or permits issued by the Town. No license or permit, except dog licenses, shall be issued to anyone with unpaid delinquent personal property taxes, including unpaid interest or penalties.

F. APPLICABILITY. This ordinance shall be applicable to all personal property taxes which become overdue or delinquent on or after January 31, 2004.

5.11 MANDATORY RECYCLING AND SOLID WASTE DISPOSAL ORDINANCE

A. TITLE. Recycling Ordinance for the Town of Mosel.

B. PURPOSE. The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program and to protect the public health and safety of the occupants of the Town by providing certain recyclable material, waste and other material collection, storage, treatment, processing, and disposal regulations, as authorized and provided in sec. 287.11, Wis. Stats., and Chapter NR 544, Wis. Administrative Code or their successor provisions.

C. STATUTORY AUTHORITY. This ordinance is adopted as authorized under sec. 287.09(3)(b), Wis. Stats., and under the Town of Mosel Municipal Code, Section 1.01, granting village powers.

D. ABROGATION AND GREATER RESTRICTIONS. It is not intended by this ordinance to repeal, abrogate, annul, impair, or interfere with any existing rules,

regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.

E. INTERPRETATION. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by Wisconsin Statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this ordinance is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wis. Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of Wisconsin Statutes and Chapter NR 544 standards in effect on the date of adoption of this ordinance, or in effect on the date of the most recent text amendment of this ordinance.

F. SEVERABILITY. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

G. APPLICABILITY. The requirements of this ordinance apply to all persons within the Town's limits.

H. ADMINISTRATION. The provisions of this ordinance shall be administered by the Town Board.

I. EFFECTIVE DATE. The provisions of this ordinance shall take effect on January 1, 1995.

J. DEFINITIONS. For the purposes of this ordinance:

- (1) "Bi-metal container" means a container for carbonated or malt beverages that is made primarily of steel and aluminum.
- (2) "Container board" means corrugated paper board used in the manufacture of shipping containers and related products.
- (3) "Foam polystyrene packaging" means material designed for food or beverage service or loose particles or rigid material for packaging and shipping use.
- (4) "HDPE" means high density polyethylene plastic containers marked by the SPI code No. 2.
- (5) "LDPE" means low density polyethylene plastic containers marked by the SPI code No. 4.
- (6) "Magazines" means magazines and other materials printed on similar paper.
- (7) "Major appliances" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven (unless capacitor has been removed), oven, refrigerator, furnace, boiler, dehumidifier, water heater, or stove.

- (8) "Multiple-family dwelling" means a property containing five (5) or more residential units, including those which are occupied seasonally.
- (9) "Newspaper" means a newspaper and other materials printed on newsprint.
- (10) "Non-residential facilities and properties" means commercial, retail, industrial, institutional, and governmental facilities and properties. This term does not include multiple-family dwellings.
- (11) "Office paper" means high grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.
- (12) "Other resins or multiple resins" means plastic resins labeled by the SPI code #7.
- (13) "Person" includes any individual, corporation, partnership, association, local governmental unit as defined in sec 287.01(5m). Wis. Stats., state agency or authority, or federal agency.
- (14) "PETE" means polyethylene terephthalate plastic containers marked by the SPI code No. 1.
- (15) "Plastic container" means an individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.
- (16) "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste as defined in sec. 287.01(7), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste as defined in sec. 289.01(17), Wis. Stats.
- (17) "PP" means polypropylene plastic containers marked by the SPI code No. 5.
- (18) "PS" means polystyrene plastic containers marked by the SPI code No. 6.
- (19) "PVC" means polyvinyl chloride plastic containers marked by the SPI code No. 3.
- (20) "Recyclable materials" includes lead acid batteries, major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and mixed or other plastic resin types; steel containers, waste tires; and bi-metal containers.
- (21) "Solid waste" has the meaning specified in sec. 289.01(33), Wis. Stats.
- (22) "Solid waste facility" has the meaning specified in sec. 289.01(35), Wis. Stats.
- (23) "Solid waste treatment" means any method, technique, or process which is designed to change the physical, chemical, or biological character or composition of sold waste. "Treatment" includes incineration.
- (24) "Waste tire" means a tire that is no longer suitable for it original purpose because of wear, damage, or defect.
- (25) "Yard waste" means leaves, grass clippings, and yard and garden debris and brush, including clean woody vegetative material no greater than six (6)

inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

K. SEPARATION OF RECYCLABLE MATERIALS. Occupants of single family and two-to-four unit residences, multiple family dwellings, non-residential facilities, places of business, industry or commerce, farms, and governmental facilities shall separate the following materials from post-consumer waste and prepare and dispose of them as detailed below. Any additional expense which may be incurred in disposing of items (1) through (4) below shall be the responsibility of the owner:

- (1) Lead acid batteries shall be deposited at Sheboygan Scrap Metal, 2801 North 21st Street, Sheboygan, Wisconsin or at any other enterprise which accepts lead acid batteries.
- (2) Major appliances shall be deposited at Sheboygan Scrap Metals, 2801 North 21st Street, Sheboygan, Wisconsin or at any other enterprise which accepts lead acid batteries.
- (3) Waste oil shall be deposited at Steve's Amoco, 1030 South 14th Street, Sheboygan, Wisconsin, or at any other enterprise which accepts waste oil.
- (4) Waste tires shall be taken to the place new tires are purchased, to be recycled at that time. If new tires are not purchased, waste tires shall be taken to an enterprise which accepts waste tires.
- (5) Yard waste shall be disposed of by composting the material on the site at which it is produced.
- (6) Aluminum containers shall be rinsed clean. Flattening the containers is optional.
- (7) Bi-metal containers shall be rinsed clean. Flattening the containers is optional.
- (8) Corrugated paper or other container board shall be flattened and tied in bundles.
- (9) Foam polystyrene packaging. See exemption granted in Subsection 5.11 L (3).
- (10) Glass containers shall be rinsed clean; rings and lids thereon shall be removed and discarded.
- (11) Magazines and slick newsprint shall be placed in brown grocery bags or tied with string in both directions approximately ten inches (10") in height, when disposed of at the Town's Transfer Station.
- (12) Newspaper shall be placed in brown grocery bags or tied with string in both directions approximately ten inches (10") in height.
- (13) Office paper shall be placed in brown grocery bags or tied with string in both directions approximately ten inches (10") in height.
- (14) Plastic containers made of PETE (#1), and HDPE (#2) including milk, soda, and detergent bottles, shall be rinsed clean, lids shall be removed and discarded, and flattening shall be optional.
- (15) Plastic containers made of PVC (#3), LDPE (#4), PP (#5), PS (#6), and mixed and other plastic resin types (#7). See exemption granted in Subsection 5.11 L (3).
- (16) Steel containers shall be rinsed clean; flattening shall be optional.

To the greatest extent practicable, the recyclable materials separated shall be clean and kept free of contaminants such as food or product residue; oil or grease, or other non-recyclable materials, including, but not limited to, household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain and other inclement weather conditions that could reduce the marketability of the recyclable materials.

L. SEPARATION REQUIREMENTS EXEMPTED. The separation requirements of Subsections 5.11 K (6)-(16)-do not apply to the following:

- (1) Occupants of single family and two-to-four unit residences, multiple family dwellings and non-residential facilities and other properties that send their post-consumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in Subsections 5.11 K (6)-(16) from solid waste in as pure a form as technically feasible.
- (2) If less than 30% of the heat input to a facility is derived from the solid waste which is burned as a supplemental fuel at that facility in accordance with sec. 287.07(7)(bg), Wis. Stats.
- (3) Foam polystyrene packaging and rigid plastic containers made of PVC (#3), LDPE (#4), PP (#5), PS (#6), and other resins or multiple resins (#7). These items have been granted a separation variance by the Department of Natural Resources under sec. 287.07(7) (h), Wis. Stats.

M. RESPONSIBILITY OF OWNERS OR DESIGNATED AGENTS OF MULTIPLE-FAMILY DWELLINGS.

- (1) Owners or designated agents of multiple-family dwellings shall do the following for recycling the materials as specified in Subsection 5.11 K (6)-(16):
 - (a) Provide adequate, separate containers for the separated recyclable materials.
 - (b) Notify tenants, in writing, at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
 - (c) Provide for the collection of materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
 - (d) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address, and telephone number.
- (2) The requirements specified in Subsection 5.11 M (1) do not apply to the owners or designated agents of multiple-family dwellings if:
 - (a) The post-consumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for-recycling the materials as specified in Subsections

- 5.11 K (6)-(16) from solid waste in as pure a form as is technically feasible.
- (b) Less than 30% of the heat input to a facility is derived from the solid waste which is burned as a supplemental fuel at that facility in accordance with sec. 287.07(7)(bg), Wis. Stats.
 - (c) Items have been granted a separation variance by the Department of Natural Resources under sec. 287.07(7) (h), Wis. Stats. Currently the items which need not be separated from solid waste are foam polystyrene packaging and rigid plastic containers made of PVC (#3), LDPE (#4), PP (#5), PS (#6), and other resins or multiple resins (#7).

N. RESPONSIBILITY OF OWNERS OR DESIGNATED AGENTS OF NON-RESIDENTIAL FACILITIES AND PROPERTIES.

- (4) Owners or designated agents of non-residential facilities and properties shall do all of the following for recycling the materials specified in Subsections 5.11 K (1) through (16):
 - (a) Provide adequate, separate containers for the separated recyclable materials.
 - (b) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
 - (c) Provide for the collection of materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.
 - (d) Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare the materials in order to meet processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including name, address, and telephones number.
- (5) The requirements specified in Subsection 5.11 N (1) do not apply to the owners or designated agents of non-residential facilities and properties if:
 - (a) The post-consumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials as specified in Subsections 5.11 K (6)-(16) from solid waste in as pure a form as is technically feasible.
 - (b) Less than 30% of the heat input to a facility is derived from the solid waste which is burned as a supplemental fuel at that facility in accordance with sec. 287.07(7)(bg), Wis. Stats.
 - (c) Items have been granted a separation variance by the Department of Natural Resources under sec. 287.07(7) (h), Wis. Stats. Currently the items which need not be separated from solid waste are foam polystyrene packaging and rigid plastic containers made of PVC (#3), LDPE (#4), PP (#5), PS (#6), and other resins or multiple resins (#7).

O. PROHIBITIONS ON DISPOSAL OF RECYCLABLE MATERIALS, HAULER LICENSING, REPORTING REQUIREMENTS, RESTRICTION, AND PROCESSING FACILITIES.

- (1) No privately-contracted hauler may dispose of in a solid waste disposal facility or burn in a solid waste facility any recyclable materials as specified in Subsections 5.11 K (6)-(16), generated in the Town that have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.
- (2) No privately-contracted hauler shall engage in the collecting or transporting of solid waste or recyclables within the Town without being licensed by the Department of Natural Resources under section NR 502.06, Wis. Administrative Code.
- (3) Privately-contracted haulers who collect solid waste or recyclables in the Town for storage, treatment, processing, marketing, or disposal shall obtain and maintain all necessary municipal and state permits, licenses, and approvals prior to collecting any materials in the Town.
- (4) Recycling haulers and processors operating in the Town that service the Town's Transfer Station, are required to maintain records and report, in writing, to the Town Clerk-Treasurer annually. Reports shall include: the amount of solid waste and recyclable material collected during the previous quarter; and the final disposal location of solid waste and recyclable material. Failure to report shall be cause for the Town to revoke any license or sever any contract with the hauler/processor.
- (5) Any privately-contracted hauler operating in the Town shall not transport for processing any recyclables to a processing facility unless that facility has self-certified with the Department of Natural Resources under section NR 544.16, Wis. Administrative Code.

P. OWNERSHIP OF RECYCLABLE MATERIALS. Recyclable materials, upon placement for collection, shall become the property of the privately-contracted hauler. Recyclable materials, upon collection by the hauler, shall become the property of the hauler.

Q. NO DUMPING.

- (6) It shall be unlawful for any person to dispose of or dump solid waste or recyclable materials in any street, alley, or other public place within the Town or in any receptacles or on private property without the owner's consent.
- (7) No person shall place for collection any solid waste or recyclable materials not owned or occupied by such person.

R. NONDISPOSABLE MATERIALS. It shall be unlawful for any person to place for disposal any of the following wastes: hazardous and toxic wastes, chemicals, explosives, flammable liquids, paint, trees and stumps, yard waste, construction debris, carcasses, and medical wastes, loose personal needles unless contained in cardboard to eliminate injury to handlers.

S. REFUSE FOR COLLECTION FROM OUTSIDE OF THE TOWN. It shall be unlawful to bring refuse for disposal (and recyclables) at the Town's Transfer Station or for collection by privately-contracted hauler(s), from outside the-Town.

T. DISPOSAL AT TOWN'S TRANSFER STATION. Conform to the requirements of Chapter 9.

U. ENFORCEMENT.

- (1) For the purpose of ascertaining compliance with the provision of this ordinance, any Town Board member or representative of the Town Board of the Town of Mosel may inspect recyclable materials separated for recycling, post-consumer waste intended for disposal, collection sites and facilities, collection vehicles, collection areas of multiple family dwellings and non-residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any Town Board member or its representative of the Town of Mosel who requests access for the purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.
- (2) Any person who violates a provision of this ordinance may be issued a citation by the Town of Mosel to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other law or ordinance relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.
- (3) Penalties for violating this ordinance may be assessed as follows:
 - (a) Any person who violates Subsection 5.11 R may be required to forfeit \$50.00 for a first violation, \$200.00 for a second and not more than \$2,000.00 for a third or subsequent violations.
 - (b) Any person who violates a provision of this ordinance, except Subsection 5.11 R may be required to forfeit not less than \$10.00 nor more than \$1,000.00 for each violation.

"5.12 Sexual Offender Residency Restrictions.

(1) Finding and Issue.

- (a) Repeat sexual offenders, sexual offenders who use physical violence, and sexual offenders who prey on children are sexual predators who present an extreme threat to public safety. Sexual offenders are extremely likely to use physical violence and to repeat their offenses; and most sexual offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sexual offender victimization to society at large, while incalculable, clearly exorbitant.

- (b) It is the intent of this section not to impose a criminal penalty but rather to serve the Town's compelling interest to promote, protect, and improve the health, safety, and welfare of the citizens of the Town by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sexual offenders and sexual predators are prohibited from establishing temporary or permanent residence, and by preventing an undue number of sexual offenders who had no prior connections with the Town and who had not previously lived in the vicinity from being placed within the Town.

(2) **Definitions.** The following words, terms and phrases, when used in this section, shall have the meanings ascribed below, except when the context clearly indicates a different meaning:

- (a) Child or Children means a person or persons under the age of 18.
- (b) Designated Offender means: A person who is required to register under Wis. Stat. § 301.45 for any sexual offense against a child or a person who is required to register under Wis. Stat. § 301.45 for whom a bulletin to law enforcement agencies has been issued under Wis. Stat. § 301.46(2m).
- (c) Permanent Residence means a place where the person abides, lodges, or resides for fourteen (14) or more consecutive days.
- (d) Temporary Residence means a place where the person abides, lodges, or resides for a period of fourteen (14) or more days in the aggregate during any calendar year and which is not the person's permanent address or a place where the person routinely abides, lodges, or resides for a period of four or more consecutive or non-consecutive days in any month and which is not the person's permanent residence.

(3) **Sexual Offender and Sexual Predator Residence; Prohibition; Penalties; Exceptions**

- (a) Prohibited Location of Residence. It is unlawful for any designated offender to establish a permanent residence or temporary residence within 2,000 feet of any school, licensed day care center, park, recreational trail, playground or place of worship.
- (b) Prohibited Relocation. It is unlawful for any designated offender to establish a permanent residence or temporary residence within the Town if that person had never previously been a permanent resident of Sheboygan County, Wisconsin.
- (c) Prohibited Activity. It is unlawful for any designated offender to participate in a holiday event involving children, such as distributing candy or other items to children. Holiday events in which the offender

is the parent or guardian of the children involved, and no non-familial children are present, are exempt from this paragraph. Participation is to be defined as actively taking part in the event.

(d) Measurement of Distance.

1. For the purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence to the nearest outer property line of a school, licensed day care center, park, recreational trail, playground or place of worship.
2. The Town Clerk/Treasurer shall prepare an official map showing prohibited locations as defined by this section. The Town Clerk/Treasurer shall maintain the map on file at the Town Hall and update it at least annually to reflect any changes in the location of prohibited zones, designated "Child Safety Zones".

(e) Penalties. A person who violates any provision of this section shall be punished by a forfeiture not exceeding \$500.00. Each day a person maintains a residence in violation of this section constitutes a separate violation. The Town of Mosel may also seek equitable relief.

(f) Exceptions. A designated offender residing within a prohibited area as described herein does not commit a violation of this section if any of the following apply:

1. The person established the permanent residence or temporary residence and reported and registered the residence pursuant to Wis. Stat. § 301.45 before the effective date of this section.
2. The school, licensed day care center, park, recreational trail or playground within 2,000 feet of the person's permanent residence was opened after the person established and the permanent residence or temporary residence and reported and registered the residence pursuant to Wis. Stat. § 301.45.
3. The residence is also the primary residence of the person's parents, grandparents, siblings, spouse or children, provided that such parent, grandparent, sibling, spouse or child established the residence at least two (2) years before the designated offender established residence at the location.

(4) Prohibition Against Renting to Certain Sexual Offenders and Sexual Predators; Penalties.

- (a) It is unlawful to let or rent any place, trailer, other structure, or part thereof, with the knowledge that it will be used as a permanent residence or temporary residence by any person prohibited from establishing such residence pursuant to this section, if such place, trailer, other structure, or part thereof, is located within a prohibited location zone described in Paragraphs 3(a) and 3(b), and not subject to an exception set forth in Paragraph 3(f) above.
- (b) A property owner's failure to comply with this subsection shall constitute a violation of this section and shall subject the property owner to the penalties set forth in Paragraph 3(e).
- (5) **Appeal.** The restrictions in Paragraphs 3(a) and 3(b) may be waived by the Town Board through appeal by the affected party. Such appeal shall be made in writing to the Town Clerk/Treasurer, who shall forward the request to the Town Board, which shall receive reports from the Sheriff's Department on such appeal. The Town Board shall consider the public interest, as well as the affected party's presentation and concerns. After deliberation, the Town Board shall forward copies of its decision in writing via the minutes or otherwise to the Sheboygan County Sheriff for information and action, and to the affected party."

Section 2. Severability. The provisions of this Ordinance shall be deemed severable and it is expressly declared that the Town Board would have passed the other provisions of this Ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provisions of this Ordinance or the application to any person or circumstance are held invalid, the remainder of this Ordinance or the application of such other provisions to other persons or circumstances shall not be affected.

"5.13 NOISE REGULATIONS

A. Definitions.

(1) **American National Standards Institute ("ANSI") Definitions Adopted.** All acoustical terminology shall be that contained in ANSI, S1.1, "Acoustical Terminology" which is adopted and incorporated herein by reference.

(2) **Additional Definitions.**

1. "Daytime Hours" shall mean the time from 8:00 A.M. to 6:00 P.M.
2. "Light Motor Vehicle" shall mean any automobile, van, motorcycle, motor driven cycle, motor scooter, or light truck with a gross vehicular weight of less than eight thousand (8,000) pounds.
3. "Nighttime Hours" shall mean the time from 6:00 P.M. to 8:00 A.M.

B. Limitations.

(1) **General Limitation.** No person shall cause, allow or assist in making any noise tending to unreasonably disturb the peace and quiet of persons in the vicinity thereof.

2) **Specific Limitation.** No person shall cause, allow or assist in making a noise level, as measured from a property boundary, to exceed the following:

Octave Band Frequency (Hz.)	Daytime Maximum Sound Levels (decibels)	Nighttime Maximum Sound Levels (decibels)
31.5	96 dB	86 dB
63	82 dB	71 dB
125	74 dB	61 dB
250	67 dB	53 dB
500	63 dB	48 dB
1000	60 dB	45 dB
2000	57 dB	42 dB
4000	55 dB	40 dB
8000	53 dB	38 dB

(3) **Light Motor Vehicle Limitation.** No person shall cause noise levels from the operation of a light motor vehicle to exceed 80 dB as measured from at least fifteen (15) feet from the vehicle in an area open to the public.

(4) **Electrical Sound Amplification.** During nighttime hours, no person may operate a radio or electrical sound amplification device emitting a sound that is audible from a distance of more than 75 feet from the boundary of the property from which the sound is emanating.

C. Measurement. Measurement of sound pressure pursuant to this section shall be made either with a sound level meter that meets or exceeds the ANSI requirements of the American Standard Specification for Sound Level Meters, Type I or Type II (ANSI S1.4 – 1983) or with an Octave Band Analyzer that meets or exceeds the requirements of ANSI (S1.6 – 1984) or any successor nationally adopted standards.

D. Exemptions. The following activities shall be exempt from the noise regulations of this section provided that reasonable steps are taken to minimize the noise emitted:

(1) **Construction Sites, Demolition Sites and Public Utilities.** Construction sites, demolition sites and public utilities during daytime hours Monday through Saturday; however, the noise therefrom shall be minimized

through proper equipment operations and maintenance. Stationary equipment on construction or demolition projects lasting more than 10 days within residential districts shall be shielded or located to prevent unnecessary noise.

(2) **Emergency Operations.** Emergency short-term operations necessary to protect the health and welfare of the citizens, to warn against unsafe conditions, or otherwise required by law.

(3) **Power Equipment.** Operation of lawn, garden and snow removal power equipment necessary for the maintenance of property, kept in good repair and maintenance, which, when new, would not comply with the standards set forth in this section.

(4) **Agricultural Activities.** Seasonal agricultural activities including planting, cultivating, fertilizing and harvesting, provided the noise therefrom is minimized through proper equipment operations and maintenance.

E. Special Variance Permits.

(1) **General.** A special variance permit to exceed the noise limitations of this section may be issued for an event or circumstance of limited duration, including special community events.

(2) **Application.** Any person seeking a special variance permit shall file a written application with the Town Clerk, at least 40 days prior to the proposed commencement of the event or activity for which the variance permit is requested. The application shall contain all information deemed necessary by the Town.

(3) **Issuance.** The Town Board may grant a special variance permit upon findings that the variance promotes a public interest and results in minimal harm to the public health, safety and welfare. The Board shall notify the applicant concerning all necessary conditions, including time limits on the permitted activity. Noncompliance with any permit condition shall be cause for termination and subject the holder to those provisions of this section regulating the source of sound or activity for which the special variance is granted.

F. Conditional Variance Permits.

(1) **General.** A conditional variance permit may be issued for ongoing or recurring sources of sound which do not comply with the standards of this section for technical or economic reasons.

(2) **Application.** Any person seeking a conditional variance permit shall file a written application with the Town Clerk, at least 40 days prior to the proposed commencement of the event or activity for which the variance permit is requested. The application shall contain all information deemed necessary by the Town.

(3) **Hearing.** The Town Board shall conduct a public hearing on the application, preceded by a Class 1 notice. The applicant may be required to submit such additional information as the Board reasonably requires.

(4) **Issuance.** The Town Board may grant a conditional variance permit upon findings that the variance promotes a public interest and results in minimal harm to the public health, safety and welfare. The Board shall notify the applicant concerning all necessary conditions. Noncompliance with any permit condition shall be grounds for termination and subject the holder to those provisions of this section regulating the source of sound or activity for which the special variance is granted.

G. Penalties; Enforcement.

(1) **First Offense.** A violation of this section shall be punishable by a forfeiture of \$100, plus costs.

(2) **Subsequent Offenses.** Subsequent violations of this section within a 30 day period shall be punishable by a forfeiture of \$250 (plus costs) for the second offense and \$500 (plus costs) for each further offense.

(3) **Enforcement.** Any 60 minute period during which the maximum sound levels allowed by this section are exceeded shall constitute a separate offense. For repeated or egregious violations, the Town may seek equitable relief to enjoin future violations.”